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STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
Sixth session
New York, 24 July-4 August 1995

REPORT ON THE SIXTH SESSION OF THE UNITED NATIONS CONFERENCE ON STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Prepared by the Secretariat

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I. INTRODUCTION

A. Opening of the session

1. The sixth session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks was held in New York from 24 July to 4 August 1995. The session was convened in accordance with paragraph 2 of General Assembly resolution 49/121 of 19 December 1994, entitled "United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks". 1/

2. The Chairman of the Conference made a statement at the opening of the session. 2/ In that statement, he noted, inter alia, that, despite the best efforts and intentions of the international community over the past two decades and more, there had been very little improvement in the state of world fisheries conservation and management. The Conference had to deal with the fact that fishing, both on the high seas and within zones of national jurisdiction, must be more effectively controlled if the sustainability of the world's fishery resources was to be assured. He stressed that the Conference would have gone a long way towards achieving this objective if it had agreed upon concrete measures that translate into strong and sound fisheries conservation and management practice by all States in all areas with respect to straddling fish stocks and highly migratory fish stocks.

3. The Chairman also reported on progress made on the issue of enforcement during informal consultations convened by him in the week preceding the sixth session.

B. Attendance

4. Representatives of the following 112 States attended the session: Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Brazil, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakstan, Kenya, Kiribati, Lebanon, Lesotho, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Morocco, Myanmar, Namibia, Netherlands, New Zealand, Nicaragua, Niger, Niue, Norway, Pakistan, Palau, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Sweden, Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela and Viet Nam.

5. The following specialized agencies and United Nations programmes were represented: Food and Agriculture Organization of the United Nations (FAO), and Intergovernmental Oceanographic Commission (IOC) of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Environment Programme (UNEP).

6. The following intergovernmental organizations were represented: Inter-American Tropical Tuna Commission (IATTC), European Community, International Commission for the Conservation of Atlantic Tunas (ICCAT), International Maritime Satellite Organization (INMARSAT), Latin American Organization for Fisheries Development (OLDEPESCA), North Atlantic Salmon Conservation Organization (NASCO) and Permanent South Pacific Commission (CPPS).

7. The following non-governmental organizations were represented, in accordance with paragraphs 4 and 12 of General Assembly resolution 47/192 of 22 December 1992: American Oceans Campaign, American Society of International Law, Association Tunisienne pour la Protection de la Nature et de l'Environnement, Center for Marine Conservation, Confederación de Trabajadores Portuarios, Gente de Mar y Pesqueros de Chile (CONGEMAR), Confederación Nacional de Pescadores Artesanales de Chile, Council on Ocean Law, Environmental Defense Fund, Federación Nacional de Cooperativas Pesqueras del Ecuador, Federation of Japan Tuna Fisheries Cooperative Associations, Fisheries Council of Canada, Fish, Food and Allied Workers (FFAW CAW), Fundación Hernandiana, Friends World Committee for Consultation (Quaker United Nations Office), Global Education Associates, Greenpeace International, International Coalition of Fisheries Associations, International Collective in Support of Fishworkers (ICSF), International Confederation of Free Trade Unions, International Institute for Sustainable Development, International Law Association, International Union for the Conservation of Nature (IUCN), Japan Fisheries Association, Kandune Self Help Water Project, National Audubon Society, Natural Resources Defense Council, Red Mexicana de Acción frente al Libre Comercio, Réserve Internationale Maritime en Mediterranée Occidentale, Sindicato de Obreros Marítimos Unidos, Wildlife Conservation Society, World Wide Fund for Nature.

C. Programme of work

8. The Conference agreed to follow the programme of work as already approved at the previous sessions: 3/ (a) technical work relating to the finalization of the text (Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks prepared by the Chairman of the Conference (A/CONF.164/22/Rev.1)) and its harmonization in all languages; (b) consideration of the draft Final Act of the Conference; and (c) informal consultations of the Chairman with a view to resolving outstanding issues.

II. GENERAL DEBATE

9. At the 81st to 84th meetings, held on 24 July, 26 July and 1 August 1995, general statements were made by Mr. Brian Tobin, Minister of Fisheries and Oceans of Canada; Mr. V. M. Korelsky, Chairman of the Committee of Fisheries of the Russian Federation; Mr. Misa Telefoni Retzlaff, Minister for Agriculture, Forests and Fisheries of Samoa, on behalf of member countries of the South Pacific Forum Fisheries Agency; and by the representatives of Argentina, Bangladesh, Brazil, China, Ecuador, Japan, Malaysia, Mexico, Morocco, Norway, Peru, the Philippines, Poland, the Republic of Korea, Sri Lanka, Ukraine, the United States of America and Uruguay, as well as by the representative of the European Community.

10. Statements were also made by the representatives of the Food and Agriculture Organization of the United Nations (FAO), the Latin American Organization for Fisheries Development (OLDEPESCA) and the Permanent South Pacific Commission (CPPS), as well as by the observers for Greenpeace International and the Confederación de Trabajadores Portuarios, Gente de Mar y Pesqueros de Chile (CONGEMAR).

III. CONSIDERATION OF THE ISSUES

11. The Conference had before it the following documents: (a) "Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks prepared by the Chairman of the Conference" (A/CONF.164/22/Rev.1); (b) document containing the Draft Agreement with editorial suggestions and drafting improvements proposed by the Secretariat (A/CONF.164/CRP.7); and (c) the Draft Final Act of the Conference, including two draft resolutions (A/CONF.164/32).

12. At its informal plenary meetings held from 25 July to 3 August 1995, the Conference conducted an examination of the Draft Agreement for the purposes of refining its drafting, harmonizing recurring words and expressions and achieving concordance of the text of the Agreement in the six languages. In this, the Conference was assisted by Secretariat linguistic experts. Throughout the period, a series of informal open-ended consultations was conducted by the Chairman with a view to resolving outstanding substantive issues. The results of those consultations are reflected in the final draft of the Agreement.

13. On 4 August 1995, the Conference considered the Draft Final Act and the two draft resolutions.

IV. CREDENTIALS COMMITTEE

14. The Credentials Committee met on 31 July and 3 August 1995.

15. At the 85th meeting, held on 4 August 1995, the Chairman of the Credentials Committee, Mr. A. L. Daverede (Argentina), introduced the reports of the Credentials Committee (A/CONF.164/31 and A/CONF.164/34) and informed the

Conference that, in addition to the States which had submitted credentials in the form provided for by rule 4, paragraph 1, of the rules of procedure, credentials in such form had been submitted to the Secretary-General by Côte d'Ivoire, and that the appointment of representatives of Suriname had been communicated by note verbale from the Permanent Mission of Suriname to the United Nations. 4/

16. At the same meeting, the Conference approved both reports of the Credentials Committee and adopted the draft decision contained in paragraph 6 of the Committee's second report (A/CONF.164/34).

V. VOLUNTARY FUND

17. In paragraph 5 of resolution 49/121, the General Assembly had renewed its request to Governments and regional economic integration organizations to contribute to the voluntary fund established for the purpose of assisting developing countries, especially those most concerned by the subject-matter of the Conference, in particular the least developed among them, to participate fully and effectively in the Conference.

18. In response to the General Assembly's request, Canada and the Republic of Korea made contributions to the fund for the current session. Travel assistance for attending this session has been extended to two representatives from States falling under the provisions of paragraph 9 of resolution 47/192 of 22 December 1992. Travel expenses will be reimbursed to the other representatives from such States who applied for assistance in the order in which the applications were received and subject to availability of funds.

VI. ADOPTION OF THE AGREEMENT AND ADJOURNMENT OF THE SESSION

19. At the 85th meeting, held on 4 August 1995, the Conference adopted without a vote the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the draft of which is contained in document A/CONF.164/33. The Conference requested the Secretariat to prepare the final text of the Agreement incorporating necessary editing and drafting changes and ensuring concordance of the text in the six languages. 5/

20. The Conference also adopted without a vote resolutions I and II contained in the annex to the Draft Final Act of the Conference (A/CONF.164/32) and approved the Draft Final Act. 6/

21. At the same meeting, the Chairman made a closing statement. 7/ In that statement, he said, inter alia, that the Agreement was firmly based on the principles enshrined in the 1982 United Nations Convention on the Law of the Sea and that both instruments were intrinsically linked and were inseparable. He noted that the Agreement was built on three essential pillars. First, it set out principles on which conservation and management of the stocks had to be based, including the use of the precautionary approach and the best available

scientific information. The second pillar ensured that the conservation and management measures were adhered to and complied with and not undermined. For this purpose, the primary responsibility of the flag State was reaffirmed and the framework for action by States other than the flag States was set out with clear safeguards against abuse. The third pillar was the provision for peaceful settlement of disputes. While providing for various possibilities of non-binding settlement, in the end result every dispute could be submitted to a court or tribunal for a binding decision. He stressed that the Agreement promoted the peaceful use of the oceans, a fundamental principle embodied in the 1982 United Nations Convention on the Law of the Sea which itself was derived from the purposes and principles of the Charter of the United Nations. The Agreement, moreover, established detailed minimum international standards for the conservation and management of the two types of stocks; ensured that the measures taken for the conservation and management of those stocks in areas under national jurisdiction and in the adjacent high seas were compatible and coherent; ensured that there were effective mechanisms for compliance and enforcement of those measures on the high seas; and recognized the special requirements of developing States in relation to conservation and management as well as the development and participation in fisheries for the two types of stocks. The Chairman concluded that the Conference, by adopting the Agreement and formulating recommendations 8/ to the General Assembly, had discharged the mandate given to it by the General Assembly in its resolution 47/192.

22. At the same meeting, statements were made by Mr. Brian Tobin, Minister of Fisheries and Oceans of Canada; Mrs. Emma Bonino, Commissioner for Fisheries, European Community; Mr. Thorsteinn Palsson, Minister of Fisheries of Iceland; Mr. Jan Henry T. Olsen, Minister of Fisheries of Norway; Mr. V. M. Korelsky, Chairman of the Committee of Fisheries of the Russian Federation; as well as by the representatives of Argentina, Australia (on behalf of member countries of the South Pacific Forum Fisheries Agency), Chile, China, Colombia, Estonia, Japan, Mexico, Namibia, Panama, Papua New Guinea, Peru, the Philippines, Poland, the Republic of Korea, the Syrian Arab Republic, Turkey, the United States of America and Uruguay.

23. Statements were also made by the representative of the Food and Agriculture Organization of the United Nations, as well as by the observers for World Wide Fund for Nature, Greenpeace International and the International Collective in Support of Fishworkers.

24. The Conference was adjourned until 4 December 1995, when it will reconvene for signature of the Agreement and the Final Act.

Notes

1/ A factual report on the fifth session of the Conference is contained in document A/CONF.164/29. The report of the Secretary-General on the Conference to the forty-ninth session of the General Assembly is contained in document A/49/522.

2/ A/CONF.164/30.

3/ See A/CONF.164/24, para. 9, A/CONF.164/25, paras. 30-31, A/CONF.164/28, paras. 24-27, and A/CONF.164/29, para. 49.

4/ Subsequently, by 30 August 1995, two more States, i.e., Lebanon and Romania, validated the appointment of their representatives by submitting credentials in the form provided for by rule 4, paragraph 1, of the rules of procedure.

5/ The final text will be issued as document A/CONF.164/37.

6/ The Final Act will be issued as document A/CONF.164/38.

7/ A/CONF.164/35.

8/ Resolutions I and II annexed to the Final Act.